

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DEBRA C. McKENNA and DEPARTMENT OF THE NAVY,
HUMAN RESOURCES OFFICE, Norfolk, VA

*Docket No. 98-2095; Submitted on the Record;
Issued February 9, 2000*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant has established a psychological condition due to factors of her employment or to the accepted condition of lumbar strain.

On October 30, 1996 appellant, then a 41-year-old budget assistant, filed a claim for an occupational disease, Form CA-2, alleging that the pain from her October 1991 back injury at work never totally went away, the "bending, twisting, handling of binders and files seemed to aggravate her back more and more," and the stress worsened her back injury as well. Appellant indicated that she first became aware that her back condition was aggravated by her employment in September 1995. She had three prior back injuries at work, which occurred on June 7, 1989, October 3, 1991 and in June 1993. On May 20, 1997 the Office of Workers' Compensation Programs accepted appellant's claim for a lumbar strain/sprain. The Office stated that appellant did not sustain a chronic pain disorder, clinical depression and major anxiety disorder resulting from the September 1, 1995 employment injury. Appellant filed a claim for a psychiatric condition on approximately September 7, 1995 but the claim was denied. On June 2, 1997 appellant filed a claim, Form CA-7, for a schedule award from April 3, 1996 and continuing. Appellant's supervisor indicated that appellant's pay stopped on March 30, 1996 after she went out "pending stress/back disability." On June 2, 1997 appellant also filed a claim for continuing disability, Form CA-8, alleging that she was disabled from September 1996 and continuing.

In a report dated August 9 through 22, 1996, Dr. Norbert Newfield, a clinical psychologist, examined appellant and considered her history of injury. He stated that she stopped working because of pressure at work, she could not "express her emotions," and felt unsupported and overwhelmed. Dr. Newfield performed tests consisting of the Minnesota Multiphasic Personality Inventory-II, the Beck Depression Inventory and Sixteen-PF. He stated that appellant underwent significant crisis and stress due to family problems, job changes and her back injury which made her sensitized to stress and its sequelae. Dr. Newfield diagnosed depression.

In a report dated January 22, 1997, Dr. Raymond Iglecia, a Board-certified psychiatrist and neurologist, considered appellant's history of injury and considered that appellant injured her back while in federal employment when she developed severe pain in her back and her legs gave way. Dr. Iglecia stated that appellant's pain "continued to progressively worsen and she became under a lot of stress, which in turn increased her pain." He also considered that she injured her back at work while sitting, moving and twisting while moving boxes with lots of files. Dr. Iglecia diagnosed chronic low back pain and low back strain secondary to the September 1995 employment injury, chronic pain disorder with both physical and psychological conditions secondary to the back condition, biological clinical depression and major anxiety disorder secondary to all the other conditions.

In a report dated May 6, 1997, Dr. Iglecia described appellant's three injuries at work, occurring on June 7, 1989, October 3, 1991 and in June 1993. He stated that he treated appellant since August 1996 and that her back problems were directly related to those three injuries which occurred at work.

In a report dated June 23, 1997, Dr. Newfield performed the same tests on appellant as he had before as well as "NEO PI-R," and concluded that there was "significant deterioration into a chronicity pattern of pain and emotional dysfunction." He recommended psychotherapy.

By letter dated August 13, 1997, the Office informed appellant that additional evidence was required to establish her claim including a reasoned physician's opinion on the extent and duration of her disability from the effects of the September 1, 1995 back injury and the accepted condition.

By letter dated February 20, 1998, the Office informed appellant that because it was unable to determine from her claims for compensation on April 3, 1996 whether she had sustained a new injury or a recurrence of disability, appellant should submit the enclosed CA-2a, CA-2 and CA-1 forms as appropriate.

Appellant submitted an April 9, 1996 progress note, which stated that appellant was depressed and that she had not returned to work because it was "too stressful" and she was applying for psychiatric disability.

In a report dated September 30, 1997, Dr. Iglecia diagnosed chronic pain disorder involving both physiological and psychological conditions due to the September 1, 1995 employment injury and stated that appellant was unable to work due to these conditions.

By decision dated May 20, 1998, the Office denied appellant's claim, stating that the medical evidence of record did not establish that the accepted condition of lumbar strain caused a consequential psychiatric condition or disability from March 30, 1996 through September 1996.

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was filed within the applicable time limitation of the Act, that an injury was sustained in the

performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed is causally related to the employment injury.¹ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.² As part of this burden the claimant must present rationalized medical evidence based upon a complete factual and medical background showing causal relationship.³

Appellant has not established that her disabling condition from March 30, 1996 through September 1996 is due to either a work-related psychological condition or the accepted condition of lumbar strain. None of the medical reports appellant submitted provide a medical rationale establishing that her disability is causally related to the September 1995 employment injury or her three prior back injuries, which occurred on June 7, 1989, October 3, 1991 and in June 1993. In his August 22, 1996 and June 23, 1997 reports, Dr. Newfield diagnosed depression and stated that appellant underwent job changes and a back injury, which sensitized her to stress and its sequelae but did not provide a rationalized medical opinion specifically explaining how the job changes and the back injury caused appellant's current disability. He did not provide a rationalized medical opinion explaining how appellant's current disability was causally related to the September 1, 1995 back injury or her federal employment. The Board has held that medical reports not containing rationale on causal relation are entitled to little probative value.⁴ Therefore, Dr. Newfield's opinion is not probative.

Similarly, in his reports dated January 22, May 6 and September 30, 1997, Dr. Iglecia generally stated that appellant's low back strain "was secondary" to the September 1995 employment injury and that appellant's chronic pain disorder with both physical and psychological conditions were secondary to her back condition but he did not provide a rationalized medical opinion explaining how appellant's current disability was due to the September 1995 incident or her other back injuries or a work-related psychological condition. Dr. Iglecia's May 6, 1997 report, in which he stated that appellant's back problems "were directly" related to her back injuries in 1989, 1991 and 1993, also contained no rationalized medical opinion on causal relationship and did not address the significance, if any, of the September 1995 incident. Dr. Iglecia's opinion, therefore, is also not probative. Further, the Office did not accept appellant's claim for a psychological condition and none of the doctors of record provided a rationalized medical opinion as to how appellant's lumbar strain may have resulted in causing a disabling psychological condition. Although the Office provided appellant with the opportunity, appellant failed to submit the medical evidence necessary to establish her claim.

¹ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

² *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

³ *Joseph T. Gulla*, 36 ECAB 516 (1985).

⁴ *Carolyn M. Leek*, 47 ECAB 374, 380 n. 11 (1996).

The decision of the Office of Workers' Compensation Programs dated May 20, 1998 is, therefore, affirmed.

Dated, Washington, D.C.
February 9, 2000

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member